

**DURHAM, NORTH CAROLINA  
MONDAY, SEPTEMBER 17, 2001  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time, he commented on the tragic events that took place in New York City, Washington, DC and Pennsylvania on September 11, 2001 and requested a moment of silence in memory of the victims.

Council Member Hill announced that he attended an event Saturday that involved 150 freshmen from Duke participating in community activities. Also, he congratulated the Arts Council for their efforts in planning CenterFest this past weekend.

Mayor Pro Tempore Clement thanked everyone responsible for coordinating the Hope Vigil held Friday, September 14 and recognized boy scouts from Troop 451. Also, Mayor Tennyson recognized boy scouts from Troop 490.

Jamie Addison, of EO/EA, presented awards to the following for their outstanding support of the M/WBE ordinance: Earth Reformers, Inc.; Mayo Farms, Inc.; The New Synergy, Inc.; Proctor Flooring & Acoustical, Inc.; Billing & Garrett, Inc.; Donald Greeley; Edward Venable and Joseph Clark.

Mayor Tennyson read proclamations declaring September 24, 2001 as "*National Kids Voting Day*" and September 19, 2001 as "*Race Equality Day*."

Mayor Tennyson announced that there will be serious of meetings concerning the MLK Parkway Streetscape Design on tomorrow at Southwest Elementary School and on October 2.

Mayor Pro Tempore Clement congratulated Chief Chambers for being elected president of the National Association of Women Law Enforcement Executives.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Conner requested that Consent Agenda Item #16 [Fast Track Rezoning of Liggett Property--Case P01-057] be removed from the agenda and GBA Item #9 [Durham Hosier Mill Restructuring Request] be postponed until the October 15, 2001 City Council

**September 17, 2001**

Meeting.

Also, she commented on Supplemental Item #2 [Loan and Non-City Agency Contract Review], updated Council on the Apex Street Bridge--see memo 9/17/01--and noted this matter will be discussed at the September 24, 2001 Public Works Committee Meeting.

In addition, she provided Council with a memo dated September 17 concerning GBA Item #8 [Zoning Ordinance Text Amendment Regarding Asphalt Plant Supplementary Requirements (TC 120-01)].

There were no priority items from the City Attorney and City Clerk.

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

The Mayor noted that Consent Agenda #1 [Human Relations Commission - Appointments] was pulled and Consent Agenda Item #16 [Fast Track Rezoning of Liggett Property--Case P01-057] would be referred back to the administration.

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to approve the Consent Agenda as amended was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: FISCAL YEAR 2001-02 BUDGET ORDINANCE AMENDMENT #4 - TRANSIT**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to adopt "An Ordinance Amending the 2001-2002 City of Durham Budget Ordinance, the Same Being Ordinance 12336" concerning increases in appropriations and revenues in the Transit Fund was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12394**

**SUBJECT: THREE-YEAR LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND SCARBOROUGH NURSERY SCHOOL, INCORPORATED**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a three-year

**September 17, 2001**

lease agreement with Scarborough Nursery School, and to authorize the City Manager to make changes to the agreement, provided such changes do not materially affect the intent and purpose of the agreement, and are consistent with this agenda item was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: DURHAM HOUSING AUTHORITY - MAYOR'S NOMINEE FOR RE-APPOINTMENT**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to approve the Mayor's nomination of John Dagenhart for re-appointment to the Durham Housing Authority--term will expire September 28, 2003 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: DURHAM HOUSING AUTHORITY - APPOINTMENT**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to appoint RaShanne Charita Woods to the Durham Housing Authority--term will expire September 28, 2006 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SITE PLAN/PRELIMINARY PLAT APPROVAL - CARPENTER POINTE**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to approve a site plan/preliminary plat for Carpenter Pointe, submitted by R.L. Horvath & Associates, on behalf of RDSK, LLC, consisting of 55 single family lots and open space on a ±26.90 acre site, zoned PDR 2.12 and F/J-B and located north of Carpenter Road and east of Ferrell Road (Tax Map #719-01-01C, 01D; PIN #0852-01-18-9756, and City Atlas Page 20, A-2) was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: DURHAM TRAILS AND GREENWAYS MASTER PLAN 2001**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to adopt the updated *Durham Trails and Greenways Master Plan 2001* was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council

**September 17, 2001**

Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JULY 1, 2001: VILLAGE CREEK COMMONS/TRIAD AREA B, FOUNTAINS OFFICE PARK, PSNC ENERGY - NORTH DURHAM, TREYBURN LIMITED LIABILITY COMPANY, IMMANUEL FREE WILL BAPTIST CHURCH, AND I-LOFT RTP**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to receive a report from the Administration on the voluntary annexation petitions received prior to July 1, 2001; and

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-58 and 160A-31; and

To adopt resolutions establishing public hearings on Monday, October 1, 2001 on the following submitted voluntary petition annexations: Village Creek Commons/Triad Area B, Fountains Office Park, PSNC Energy - North Durham, Treyburn Limited Liability Company, Immanuel Free Will Baptist Church, and I-Loft RTP was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Resolution #8799 - 8800 - 8801 - 8802 - 8803 -8804**

**SUBJECT: BROWN WATER TREATMENT PLANT (WTP) AND WILLIAMS WATER TREATMENT PLANT (WTP) CHEMICAL IMPROVEMENTS - CRAIN AND DENBO, INC.**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with Crain and Denbo, Inc. in the amount of \$3,272,100 for general and electrical work on the Brown WTP and Williams WTP Chemical Improvements Project; and

To authorize the City Manager to execute any necessary Change Orders encountered during the construction of the Brown Water Treatment Plant and Williams Water Treatment Plant Chemical Improvements Project, provided the total cost of Change Orders does not exceed the project amount of \$3,599,310, which includes a contingency of ten percent; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson,

**September 17, 2001**

McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: REPORT ON TRANSPORTATION CONSULTING SERVICES**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to receive a report on Transportation Consulting Services for the period January 1, 2001 through June 30, 2001 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONTRACT SR-27 SEWER MAIN REPLACEMENT AND POINT REPAIR**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to reject all bids received for Contract SR-27 and to authorize the project to be re-bid was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-211 - STREET RESURFACING AND SPEED HUMPS - B & B PAVING COMPANY, INCORPORATED**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with B & B Paving Company, Incorporated in the amount of \$650,962.10 for Contract ST-211; and

To authorize the expenditure of up to \$115,928 from the Traffic Calming Account for speed hump installations portion of the contract was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-202-2 - STREET IMPROVEMENTS, ADDITIONAL EXPENDITURES - TRIANGLE GRADING AND PAVING, INCORPORATED**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to authorize the additional expenditure of \$40,000 from the Community Development Block Grant Account for Contract ST-202-2 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-215 - COMMUNITY DEVELOPMENT BLOCK GRANT**

September 17, 2001

**STREET RESURFACING - B & B PAVING COMPANY, INCORPORATED**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with B & B Paving Company, Incorporated in the amount of \$140,323.50 (Contract ST-215); and

To authorize the expenditure of up to \$169,000 from the Community Development Block Grant Account for Contract ST-215 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PROPOSED EASEMENT AND RIGHT OF ENTRY ON CORPS OF ENGINEERS PROPERTY - HUNTINGTON RIDGE OUTFALL**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a Right of Entry Agreement for Easement No. DACW21-2-01-5419 for sanitary sewer pipelines across Fee Tracts 1515-1, 1516, and 1517, B. Everett Jordan Dam and Lake was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: FAST TRACK REZONING OF LIGGETT PROPERTY (CASE P01-57)**

To designate Case P01-57 as a City-Council initiated case and to set a public hearing on Monday, October 15, 2001 to consider the rezoning of the Liggett property, on Main Street between the Downtown Loop and Duke Street, from I-2 (Light Industrial District) to CBD (Central Business District).

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to refer this item back to the administration was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**NOTE:** Earlier in the meeting, City Manager Conner requested that this item be removed from the agenda and Mayor Tennyson noted this item would be referred back to the administration.

**SUBJECT: RESOLUTION HONORING HILDEGARD S. RYALS**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to adopt a "Resolution Honoring Hildegard S. Ryals" was approved at 7:27 p.m. by the following vote: Ayes: Mayor

**September 17, 2001**

Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Resolution #8805**

**SUBJECT: RESOLUTION MEMORIALIZING JOHN PERCY "JACK" BOND, III**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to adopt a "Resolution Memorializing John Percy "Jack" Bond, III" was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Resolution #8806**

**SUBJECT: BID REPORT - MONTH OF JULY 2001**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to approve and record in the minutes bids and items displayed which were acted upon by the City Manager during the month of July 2001 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**CITY OF DURHAM NORTH CAROLINA**

August 17, 2001

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Navdeep S. Gill, Finance Director  
Kenneth C. Pennoyer, Assistant Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **July 2001**.

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

1. **Bid: Contract Extension -- Motorola 800 MHz System Maintenance Agreement**

**September 17, 2001**

Purpose of Bid: To provide the Communications Maintenance division with 800 MHz system maintenance for a period of twelve (12) months.

Comments: Motorola, Inc. is the sole source for this maintenance agreement.

Opened: June 1, 2000

Bidders: Motorola Americas \*\$63,924.00  
Durham, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Motorola, Inc., of Durham, North Carolina to determine compliance with the Minority and Women Business Enterprises Ordinance.

A certified WBE firm was given an opportunity to submit a bid for this product.

The workforce statistics for Motorola, Inc., are as follows:

Total Workforce	598	
Total # of Females	104	17%
Total # of Males	494	83%
Total # of Black Males	48	8%
Total # of White Males	417	70%
Total # of Other Males	29	5%
Total # of Black Females	11	2%
Total # of White Females	84	14%
Total # of Other Females	8	1%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

**2. Bid: One Used Cargo Van**

Purpose of Bid: To provide the Organized Crime Division with a cargo van to be used in their operations.

Comments:

Opened: July 31, 2001

Bidders:	Tar Heel Chevrolet	* \$15,696.07
	Roxboro, NC	
	University Ford	\$16,075.00
	Durham, NC	

**September 17, 2001**

\*Awarded based on: ☒ Low Bid    \_\_\_\_\_ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	133		# Black Males	2	2%
Total # Females	19	14%	# White Males	112	84%
Total # Males	114	86%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	19	14%
			# Other Females	0	0%

Performance Bond:    \_\_\_\_\_ Waived    \_\_\_\_\_ Not Waived    ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**3.      Bid:                      Up-Date Turbocharger System on Waukesha Natural Gas Engine**

Purpose of Bid:              To up-date the obsolete turbocharger on the Waukesha Engine located at the Williams Water Treatment Plant.

Comments:

Opened:              July 30, 2001

Bidders:	Reagan Equipment Company, Inc.	* \$29,422.00
	Marietta, GA	
	Curtis Engine & Equipment, Inc.	\$32,328.50
	Baltimore, MD	

\*Awarded based on: ☒ Low Bid    \_\_\_\_\_ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	254		# Black Males	17	7%
Total # Females	34	13%	# White Males	201	79%
Total # Males	220	87%	# Other Males	2	1%
			# Black Females	2	1%
			# White Females	31	12%
			# Other Females	1	0%

LOCATION OF PERFORMING CONTRACT  
Marietta, GA

**September 17, 2001**

Total Workforce	8		# Black Males	0	0%
Total # Females	2	25%	# White Males	6	75%
Total # Males	6	75%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	25%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**4. Bid: Estimated Requirements for Swimming Pool Chemicals**

Purpose of Bid: To provide the Parks & Recreation/Aquatics Division with swimming pool chemicals.

Comments: Brenntag Southeast did not bid on all items, therefore their bid is considered non-responsive.

Opened: July 16, 2001

Bidders:	Brenntag Southeast	(non-responsive)	\$ 7,924.70
	Durham, NC		
	Coastal Carolina		*\$10,536.50
	Raleigh, NC		
	Waterguard, Inc.		\$11,298.00
	Wilson, NC		

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	15		# Black Males	0	0%
Total # Females	6	40%	# White Males	9	60%
Total # Males	9	60%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	6	40%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**5. Bid: Recycling Containers - Blue Curbside**

September 17, 2001

Purpose of Bid: To provide Solid Waste/Waste Reduction with recycling containers (3,500 each - 18 gallon size @ \$5.95)

Comments: AC Buckhorn in Canada did not respond due to not being able to furnish an 18 gallon size with bungee cord.

Opened: July 11, 2001

Bidders: Rehrig Pacific Company, Inc. \*\$20,825.00  
Lawrenceville, GA

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	548		# Black Males	29	6%
Total # Females	76	14%	# White Males	223	42%
Total # Males	462	86%	# Other Males	210	39%
			# Black Females	14	3%
			# White Females	50	10%
			# Other Females	12	3%

LOCATION OF PERFORMING CONTRACT  
Lawrenceville, GA

Total Workforce	76		# Black Males	1	1%
Total # Females	13	56%	# White Males	5	2%
Total # Males	10	44%	# Other Males	4	2%
			# Black Females	1	1%
			# White Females	11	3%
			# Other Females	1	1%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**6. Bid: Annual Maintenance Agreement for a Remote Latent Print Workstation**

Purpose of Bid: To maintain a Remote Latent Print Workstation, (Printrak AFIS) in Police ID.

Comments: This is a "sole source" maintenance agreement with Printrak, a Motorola Company who manufactured, sold and maintains this equipment for the

September 17, 2001

Police Department.

Opened: July 16, 2001

Bidders: Printrak, A Motorola Company \* \$19,379.00  
R.T.P., N.C.

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	65,505		# Black Males	2,620	4.00%
Total # Females	20,978	32.03%	# White Males	31,555	48.17%
Total # Males	44,527	67.97%	# Other Males	10,352	15.80%
			# Black Females	2,214	3.38%
			# White Females	13,485	20.59%
			# Other Females	5,279	8.06%

LOCATION OF PERFORMING CONTRACT  
RTP, NC

Total Workforce	80		# Black Males	6	7.50%
Total # Females	9	11.25%	# White Males	61	76.25%
Total # Males	71	88.75%	# Other Males	4	5.00%
			# Black Females	1	1.25%
			# White Females	7	8.75%
			# Other Females	1	1.25%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**7. Bid: One Used Vehicle**

Purpose of Bid: To purchase a used vehicle for the Organized Crime Division of the Police Department.

Comments: This vehicle will be used in the Organized Crime Division's undercover operations.

Opened: July 13, 2001

Bidders: University Ford \* \$17,301.00  
Durham, NC  
Crossroads Ford \$17,995.00

September 17, 2001

Raleigh, NC

\*Awarded based on: ☒ Low Bid    \_\_\_\_\_ Other

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	136		# Black Males	23	17%
Total # Females	19	14%	# White Males	91	67%
Total # Males	117	86%	# Other Males	3	2%
			# Black Females	3	2%
			# White Females	16	12%
			# Other Females	0	0%

Performance Bond:    \_\_\_\_\_ Waived    \_\_\_\_\_ Not Waived    ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**8.     Bid:             Dell PowerEdge Server**

Purpose of Bid:        To provide the TS Department with a server.

Comments:            The City has standardized on Dell brand computers.

Opened:              July 10, 2001

Bidders:              Dell Computer Corporation                             \* \$10,869.00  
                            Round Rock, TX

\*Awarded based on:    \_\_\_\_\_ Low Bid    ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	20113		# Black Males	1209	6%
Total # Females	7085	35%	# White Males	9076	45%
Total # Males	13008	65%	# Other Males	2723	14%
			# Black Females	987	5%
			# White Females	4459	22%
			# Other Females	1639	8%

Performance Bond:    \_\_\_\_\_ Waived    \_\_\_\_\_ Not Waived    ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**9.     Bid:             Camel Repair Parts**

September 17, 2001

Purpose of Bid: To purchase a fixed hose reel assembly for the City's Camel Combination Sewer Flush and Vacuum Truck.

Comments: Bruder/Sharpe, Inc., is the sole regional source for "Camel" brand parts, sales, and service.

Opened: July 16, 2001

Bidders: Bruder/Sharpe, Inc. \* \$11,434.38  
Madison, NC

\*Awarded based on: \_\_\_\_\_ Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	4		# Black Males	0	0%
Total # Females	1	25%	# White Males	3	75%
Total # Males	3	75%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	25%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

**SUBJECT: BID - RENTAL UNIFORM SERVICE - G & K SERVICES**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to accept the bid from G & K Services in the amount of \$72,581.60 for providing the City with rental uniform service; and

To authorize the City Manager to enter into a contract with G & K Services in the amount of \$72,581.60 for providing the City with rental uniform service; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:27 p.m.

**September 17, 2001**

by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR TIRES AND TUBES  
- BRAXTON TIRE COMPANY - NU-TREAD TIRE COMPANY - TCI  
TIRE CENTERS**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to accept the bid from Braxton Tire Company in the estimated amount of \$277,648.67 for providing the City with general tires and tubes (Section I); and

To accept the bid from Nu-Tread Tire Company in the estimated amount of \$42,183.13 for providing the City with fire vehicle tires and tubes (Section II); and

To accept the bid from TCI Tire Centers in the estimated amount of \$99,484.00 for providing the City with transit bus tires (Section III); and

To waive the requirement for a Performance Bond for each of the aforementioned bidders; and

To authorize the City Manager to enter into contracts with the aforementioned firms for providing the aforementioned tires and tubes (Sections I, II, and III); and

To authorize the City Manager to modify the contracts before execution provided that modifications do not increase the dollar amount of the contracts and are consistent with the general intent of the existing version of the contracts was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONTRACT EXTENSION - ESTIMATED ANNUAL REQUIREMENTS FOR  
WATER METERS (CONTRACT NO. 10-095-99)- US FILTER  
DISTRIBUTION, INC.**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to extend the bid from US Filter Distribution, Inc. in the amount of \$357,918.17 for furnishing the City with its estimated annual requirements for water meters; and

To authorize the City Manager to extend the contract with US Filter Distributions, Inc. in the amount of \$357,918.17 for providing the City with its estimated annual requirements for water meters; and

**September 17, 2001**

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ADDITIONAL PURCHASES OF AUTOMATED SIDE LOADING REFUSE COLLECTION VEHICLES - CAROLINA ENVIRONMENTAL SYSTEMS, INC.**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to authorize the purchase of three additional automated side loading refuse collection vehicles from Carolina Environmental Systems, Inc. in the amount of \$488,268.00; and

To authorize the City Manager to enter into a contract with Carolina Environmental Systems, Inc. in the amount of \$488,268.00 for providing the City with three automated side loading refuse collection vehicles; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: STREET ACCEPTANCE - GROVE PARK SUBDIVISION**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to accept certain streets as listed below in the Grove Park Subdivision for maintenance by the City of Durham was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Grove Park - Bellmeade**

- 1) **Crossview Lane** - from the center line of Bellmeade Bay Drive south thru the cul-de-sac (1,523') and,
- 2) **Lake Valley Lane** - from the centerline of Bellmeade Bay Drive southwest to the end of construction at STA 13+81 (381') and,
- 3) **Bellmeade Bay Drive** - from the centerline of Leacroft Way

**September 17, 2001**

north thru the cul-de-sac (1,412') and,

- 4) **Lakemont Circle** - from the centerline of Lake Valley Drive south thru the cul-de-sac (195') and,
- 5) **Marsh Landing Court** - from the centerline of Bellmeade Bay Drive east thru the cul-de-sac (305') and,
- 6) **Leacroft Way** - from the end of existing of construction west to the centerline of Crossview Lane (200'.)

**Grove Park - Southshore**

- 1) **Southshore Parkway** - from the end of existing pavement at STA 16+20 north then west past Gunston to STA 27+47 (1,128) and,
- 2) **Southshore Parkway** - from the centerline of Southshore Parkway west past Venetia Cove to the end of construction @ STA 38+53 (641') and,
- 3) **Shoreline Cove** - from the centerline of Southshore Parkway north thru the cul-de-dac (105') and,
- 4) **Venetia Cove** - from the centerline of Southshore Parkway south thru the cul-de-sac (121'), and
- 5) **Gunston Lane** -centerline of Nichols Farm Drive north to the centerline of Southshore Parkway (189'.)

**SUBJECT: WATER MAIN - U.S. 501 FROM TOM WILKINSON ROAD (FORMERLY MASSEY ROAD) TO SMITH DRIVE - SETTING PUBLIC HEARING FOR CONFIRMATION OF ASSESSMENT ROLL**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to adopt a resolution setting a **public hearing on Monday, October 1, 2001** for confirmation of the assessment roll for water main on U.S. 501 from Tom Wilkinson Road (formerly Massey Road) to Smith Drive was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SEWER MAIN - RIVERMONT ROAD FROM NORTHEAST PROPERTY LINE OF TAX MAP #767-4-17 TO NORTHEAST PROPERTY LINE OF TAX MAP #770-2-1 - SETTING PUBLIC HEARING TO CONSIDER ORDERING THE IMPROVEMENT UNDER THE ENABLING ACT AUTHORITY**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to adopt a resolution setting a **public hearing on Monday, October 1, 2001** to consider ordering sewer main improvements on

**September 17, 2001**

Rivermont Road from northeast property line of Tax Map #767-4-17 to northeast property line of Tax Map #770-2-1 under the Enabling Act Authority was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SIDEWALK - WATTS STREET (EAST SIDE) FROM SOUTH PROPERTY LINE OF TAX MAP #16-8-2 TO NORTH PROPERTY LINE OF TAX MAP #17-1-9 -SETTING PUBLIC HEARING TO CONSIDER ORDERING THE IMPROVEMENT**

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to accept a Certificate of Sufficiency from the Manager of Engineering for the petition for Sidewalk on Watts Street **(East Side)** from south property line of Tax Map #16-8-2 to north property line of Tax Map #17-1-9; and

To adopt a resolution setting a public hearing on Monday, October 1, 2001 to consider ordering the improvement was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

**SUBJECT: DRAFT 2000-2001 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)**

Daryl Beasley, Chair of CAC, spoke in support of this item noting that staff has done a great job in administering the program and federal monies.

Ralph McKinney, of 3104 Winston Road, urged Council to ensure that waste, fraud and abuse would not be continued in handling federal monies.

Victoria Peterson, a resident of Durham, expressed concern about the HUD report not being discussed, small business loan program and the \$1 million loan.

**MOTION** by Council Member Blyth seconded by Council Member Wagstaff to suspend the rule to allow Victoria Peterson an additional three minutes was approved at 7:38 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Edwards, Langley, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Members Cheek, Hill, Jacobs and Larson. Absent: None.

**September 17, 2001**

Victoria Peterson, a resident of Durham, raised concerns about city employees, the Durham Hosiery Mill and the accountability issue relative to city loans.

Mayor Tennyson asked to suspend the rule to allow him to retroactively open the public hearing. Also, he declared the public hearing closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the previous year's Community Development Block Grant and the City-County HOME Consortium Investment Partnership programs detailed in the Draft 2000-2001 Consolidated Annual Performance and Evaluation Report was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER - SMALL AREA PLAN AMENDMENT - EAST  
CENTRAL DURHAM - CASE: A01-02 - TRADITIONAL  
NEIGHBORHOOD DEVELOPMENT PARTNERS, INC. - AREA BOUNDED  
BY PETTIGREW STREET, ALSTON AVENUE, DURHAM FREEWAY, AND  
GRANT STREET**

Small Area Plan Amendment - East Central Durham

Case: A01-02

Applicant: Traditional Neighborhood Development Partners, Inc.

Location: Area bounded by Pettigrew Street, Alston Avenue, Durham Freeway, and Grant Street

Request: Industrial to Mixed Use

Planning Commission Recommendation and Vote: Approval (14-0)

Planning Department's Recommendation: Approval

Dick Hails, Acting City/County Planning Director, briefed Council on this item.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Deloris Rogers, asked for clarification why this area is being considered a mixed-use zone.

Dick Hails, Acting City/County Planning Director, noted that both the current zoning in the area as well as what's called for in the 2020 Plan show an original corridor that supports the development of a mixture of uses in the years to come.

Ralph McKinney, 3104 Winston Road, noted it's a great opportunity to get results in this area.

Mayor Tennyson declared the public hearing closed.

**September 17, 2001**

Dwight Yarborough, of the City/County Planning Department, gave an overview of the map of the area highlighting the boundary and the future land use in the East Central Durham Plan.

Council Member McKissick spoke in support of the plan amendment noting that Council needs to encourage a mixture of uses near transit stops. Also, he expressed concern about the upcoming project.

Council held discussion on the transit station, how the plan amendment will affect Oak Grove Free Will Baptist Church, present and proposed uses.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the East Central Durham Small Plan Amendment; and

To adopt a "City Council Resolution Amending East Central Durham Plan Case A01-02" was approved at 7:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Resolution #8807**

**SUBJECT: ZONING MATTER - CASE: P01-28 - ED ASSOCIATES, LLC - 148.68 ACRES NORTHEAST OF THE FLETCHERS CHAPEL ROAD/MINERAL SPRINGS ROAD INTERSECTION**

Case: P01-28

Applicant: ED Associates, LLC

Location: 148.68 acres northeast of the Fletchers Chapel Road/Mineral Springs Road intersection (City Atlas Page 26, B-2, C-2, C-3 and D-3)

Request: Rezoning from RD (Rural District) and PDR-2.85 (Planned Density Residential with a maximum of 2.85 units per acre) to PDR 2.85 (Planned Density Residential with a maximum of 2.85 units per acre); F/J-B

Zoning Committee's Recommendation and Vote: Denial (7-0)

Planning Department's Recommendation: Approval

Shelia Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**Proponent**

Attorney Jack Markham, representing the applicant, spoke in

**September 17, 2001**

support of this rezoning. He provided Council with a revised Ridgewood II development plan which includes the following improvements: 1) providing connection from Mineral Springs Road via Daniel Road through entire Research community to Fletcher Chapel Road; 2) reducing the number of road crossings of Chunky Pipe Creek from two to one; 3) increasing the amount of open space from 38.66 acres to 62.28; and 4) increasing the tree save area. Also, he urged Council to approve the rezoning.

No one spoke in opposition to this rezoning.

Mayor Tennyson declared the public hearing closed.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and PDR-2.85 and placing same in and establishing same as PDR 2.85; F/J-B was approved at 8:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Members Edwards and Wagstaff. Absent: None.

Note: Further discussion was held on this item later in the meeting.

**SUBJECT: ZONING MATTER - CASE P01-36 - EAGLE VILLAGE CDC - 1.3-ACRE SITE ON MURPHY STREET, BETWEEN GILLETTE AVENUE AND PETTIGREW STREET**

Case: P01-36

Applicant: Eagle Village CDC

Location: 1.3-acre site on Murphy Street, between Gillette Avenue and Pettigrew Street (City Atlas Page 30, A-4)

Request: Rezoning from I-2 (Light Industrial District) to R-5(D) (Residential 5 District with a Development Plan)

Zoning Committee's Recommendation and Vote: Approval; (7-0)

Planning Department's Recommendation: Approval

Shelia Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report. She noted that the number of single-family units have been reduced from 11 to 10 [revised development plan distributed to Council]. With the plan amendment just adopted, this is now consistent with the East Durham Plan. Also, she noted the proposed use is not supportive of the planned regional transit station nearby. It would meet plan goals for affordable housing, revitalization and preserving existing character of neighborhoods. Further, she stated staff recommended approval.

As this was the time and place set for the public hearing, anyone

**September 17, 2001**

interested was given the opportunity to be heard.

**Proponents**

Cheryl Sweeney, of 206 W. Club Boulevard, spoke in support of this rezoning noting these are wonderful shotgun houses with innovative floor plans that can draw people. Also, she urged Council to put these houses back in the center of this neighborhood so that it's whole again.

Deloris Rogers, a resident of Durham, spoke in favor of the proposal because it supports affordable housing and revitalization of the community.

Rev. Z. D. Harris, a resident of Durham, spoke in support of this item and urged Council to make sure there is decent housing in this community.

Everett Miles, representing the applicant, spoke in support of this rezoning urging Council to give positive consideration of the proposal to revitalize the community.

Debra Davis, Chair NECD, spoke in support this development.

No one spoke in opposition to this rezoning.

Mayor Tennyson declared the public hearing closed.

Mayor Pro Tempore Clement disclosed that he is a board member of Eagle Village CDC, but has no financial interest in this matter.

Council Member McKissick asked the applicant about the age and current condition of structures.

Everett Miles, representing the applicant, replied houses are close to 100 years old and the condition of structures is sound. Mr. Miles noted that Eagle Village will do a total rehab of the homes.

Council Member McKissick asked staff how the homes would fit into the mixed-use zoning of this area.

Shelia Stains-Ramp, of the City/County Planning Department, discussed the policy objectives.

Council Member McKissick expressed concern about this not being a comprehensive plan that envisions a mixture of uses.

Council Member Langley asked the applicant what would be the cost for rehabbing each house.

Everett Miles, representing the applicant, replied \$7,000.00.

Council Member Langley asked if the area is being considered for

**September 17, 2001**

historic designation.

Cheryl Sweeney informed Council that the Historic Preservation Society sent a letter in support of restoring the houses noting they add to our City's uniqueness. She noted that she would ask the Historic Preservation Society about the possibility of designating the area as historic.

Council Member Langley asked the applicant if he would consider having one of the houses as a museum because of the history in this neighborhood [Hayti].

Everett Miles, representing the applicant, made comments about the financial impact and noted the applicant would consider doing something to display the character and history of the area.

Council Member Wagstaff recommended that the applicant meet with the Oak Grove community to work out a plan.

Council Member Blyth expressed a concern that the City's plans are outdated and requested the City Manager to report back with information on a specific action plan.

Council Member Hill asked the applicant when is the expected completion date for the renovation of 10 homes and their sales price.

Everett Miles, representing the applicant, replied by the end of 2002 and \$90,000.00.

Council held discussion on the number of bedrooms, transit stops, the demolition of corner building, accountability system in place for long-term projects, high-density transit stop overlays and spoke in support of this restoration effort.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2 and placing same in and establishing same as R-5(D) was approved at 8:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, Stith and Wagstaff. Noes: Council Member McKissick. Absent: None.

At this time during the meeting, Mayor Tennyson noted that Council Member Wagstaff requested that her vote on GBA #3 [ZONING MATTER - CASE: P01-28 - ED ASSOCIATES, LLC] be changed to a no. The Mayor directed the City Clerk to reflect that change in the motion.

**SUBJECT:     ZONING MATTER - CASE P01-40 - KIRK KEYES AND PAMELA  
                 KEYES - .84 ACRES AT 2606 SOUTH MIAMI BOULEVARD (WEST**

September 17, 2001

**SIDE OF SOUTH MIAMI BOULEVARD NORTH OF LUMLEY ROAD)**

Case: P01-40

Applicant: Kirk Keyes and Pamela Keyes

Location: .84 acres at 2606 South Miami Boulevard (west side of South Miami Boulevard north of Lumley Road) (City Atlas Page 45, C-4)

Request: Rezoning from R-20 (Residential 20 District) to I-2(D) (Light Industrial District with a Development Plan)

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Shelia Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**Proponent**

Kirk Keyes, the applicant, spoke in support of this rezoning noting it's in line with the City's present and future plans and urged Council to approve this request.

No one spoke in opposition to this rezoning.

Mayor Tennyson declared the public hearing closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as I-2(D) was approved at 8:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER - CASE P01-43 - WEST VILLAGE LP - 1.836-ACRE SITE ON MAIN STREET, WEST OF THE GREAT JONES STREET INTERSECTION**

Case: P01-43

Applicant: West Village LP

Location: 1.836-acre site on Main Street, west of the Great Jones Street intersection (City Atlas Page 23, D-2)

Request: Rezoning from I-2 (Light Industrial District), DTA (Downtown Transition Area) to CBD (Central Business District)

Zoning Committee's Recommendation and Vote: Approval (7-0)

**September 17, 2001**

Planning Department's Recommendation: Approval

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2, DTA and placing same in and establishing same as CBD.

Mayor Tennyson stated that it was noted at COW that the applicant was planning to submit a development plan and requested that this item be referred back to the administration.

Dick Hails, Acting City/County Planning Director, noted this item will come back to Council in 90 days.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to refer this item back to the administration was approved at 8:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT REGARDING HIGH DENSITY RESIDENTIAL DEVELOPMENT IN COMPACT NEIGHBORHOODS (TC 121-01) (PUBLIC HEARING CONTINUED FROM THE 9-4-01 CITY COUNCIL MEETING)**

To receive citizens' comments regarding the proposed amendment.

To adopt "An Ordinance Amending Section 4 General Districts of the Durham Zoning Ordinance to Establish New High Density Residential Districts."

Zoning Committee's Recommendation: (See details in memorandum)

City Manager Marcia Conner requested that this item be removed from the agenda to allow staff time to work with the neighborhood concerns regarding open space.

Dick Hails, Acting City/County Planning Director, noted the Durham Open Space & Trails Commission will meet September 19 to discuss this item.

Mayor Tennyson noted the public hearing was continued from the September 4, 2001 City Council Meeting.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, made comments relative to the high-density issue.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to continue the public hearing without further advertising until

**September 17, 2001**

the October 1, 2001 City Council Meeting was approved at 8:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT REGARDING ASPHALT PLANT SUPPLEMENTARY REQUIREMENTS (TC 120-01)**

To receive citizens' comments on the proposed text amendment.

To adopt "An Ordinance Amending Sections 4 and 7 of the Durham Zoning Ordinance to Establish Supplementary Requirements for Asphalt Plants."

Joint City-County Committee's Recommendation: See details in attachment

Environmental Affairs Board's Recommendation: Approval of Option B; Vote 4-3

Zoning Committee's Recommendation: Vote of 7-0 to send the standards proposed by the Environmental Affairs Board (Option B) to the governing bodies for adoption.

Planning Department's Recommendation: Approval of Option A

Mayor Tennyson noted due to the issues raised, this item could be referred back to the administration for further study.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, expressed cancer and buffer concerns relative to asphalt plants.

John Schelp, representing the NAACP, read quotes from EPA and research facilities expressing environmental and health hazard concerns relative to asphalt plants.

Will Anderson, of Newsom Graham, spoke in support of the deferral and noted that he would meet with Mr. Schelp to discuss issues that have been raised concerning this matter.

Mayor Tennyson declared the public hearing closed.

Council Member Wagstaff expressed concerns with asphalt plants being considered in the East Durham community and noted that she would not support this item.

Council Member Burnette asked staff to explain the buffer issue.

Dick Hails, Acting City/County Planning Director, discussed

**September 17, 2001**

current standards of the zoning ordinance and noted that asphalt plants should be located at least 1,500 feet away from all residential uses and zones.

Council Member Blyth requested the administration to provide additional information on existing sites that would become eligible for asphalt plants and whether they could be built without going through the rezoning process. Also, she requested the City Attorney to provide information as to the legal restrictions [what are council's options legally; what the local municipal authority is vs. General Assembly authority].

Council Member Hill requested that the administration invite State representatives to a Council meeting to give a report on this item concerning the environmental issues.

Council Member Larson requested a copy of the full report done by the Environmental Affairs Board (EAB) on this item.

Council Member Burnette asked Mr. John Schelp if there is additional information on existing plants in the City.

John Schelp, representing the NAACP, commented on a report compiled by industries.

Council held discussion in support of a deferral, environmental impact, noise, health, air quality and fume concerns.

**MOTION** by Council Member Larson seconded by Council Member Stith to refer this item back to the administration was approved at 9:09 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

#### **[OTHER MATTERS]**

#### **SUBJECT: DURHAM HOSIERY MILL RESTRUCTURING REQUEST**

To approve, in concept, the proposed Durham Hosiery Mill Office of Multifamily Housing Assistance Restructuring (OMHAR) plan and to authorize the City Manager to execute documents to subordinate the City's Urban Development Action Grant (UDAG) second mortgage to a third position, subordinate the City's Land Loan third mortgage to a fourth position and to refund outstanding Urban Redevelopment Mortgage Revenue Bonds and reduce the first mortgage by approximately 2.9 million. Execution of these documents is contingent upon the City Manager being satisfied that the protections, for the bondholders and the City, created by the original financing are still in place with the exception of the subordination of the City's second and third mortgages.

Victoria Peterson, a resident of Durham, requested a list of the

**September 17, 2001**

general and limited partners and urged Council to establish a committee to look at this project.

Council Member McKissick requested the City Manager and/or City Attorney to provide information on the partners.

Council Member Wagstaff requested the administration to provide information on the total amount of money received from section 8 vouchers and to conduct an independent audit on the company.

City Manager Conner informed Council that the administration will provide them with a report and financial analysis on this matter at the October 15<sup>th</sup> meeting. Relative to the audit, she noted this is one of the programs that would be included as a part of Supplemental Agenda Item #2 [Loan and Non-City Agency Contract Review].

Council Member Hill requested the administration to provide finance, COW, etc. tapes concerning the structure of this item.

City Manager Conner noted that staff will provide this information as a part of the report and will come back with recommendations.

Council Member Langley raised concerns expressed by the residents who live at the Hosier Mill as to what will happen to them and the fear they have in losing their homes.

Mayor Pro Tempore Clement encouraged his colleagues to take the Durham Hosier Mill Tour to see what repairs need to be completed.

City Attorney Blinder briefed Council on how partnerships work and the difference between general and limited partners.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to postpone this item until the October 15, 2001 City Council Meeting was approved at 9:22 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: TRAFFIC SIGNAL - WASHINGTON STREET**

To direct that the traffic signal at the intersection of Washington Street and Trinity Avenue be returned to service.

A motion was made by Mayor Pro Tempore Clement seconded by Council Member Langley to approve the item as printed on the agenda.

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, spoke in support of this item and expressed concern about the City replacing the traffic signal with stop signs without notifying the residents in the area and without authorization from Council.

**September 17, 2001**

A substitute motion was made by Council Member Larson seconded by Council Member Blyth to authorize the removal of the traffic signal and replace it with stop signs.

Council Member Cheek spoke in support of the substitute motion. Several Council Members spoke in support of the original motion.

Mark Ahrendsen, Transportation Manager, noted the cost would be minimal in restoring the traffic signal.

Council Member Jacobs noted there needs to be a policy for notifying citizens regarding traffic signals [installation/removal].

Council held discussion on the safety issue and accident history.

**SUBSTITUTE MOTION** by Council Member Larson seconded by Council Member Blyth to authorize removal of the traffic signal and replace it with stop signs **FAILED** at 9:36 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Cheek, Hill and Larson. Noes: Mayor Pro Tempore Clement and Council Members Burnette, Edwards, Jacobs, Langley, McKissick, Stith and Wagstaff. Absent: None.

Mayor Tennyson made a friendly amendment to direct the administration to provide a report on the policy for notification to citizens on traffic signal installations and removals.

Mayor Pro Tempore Clement accepted the friendly amendment.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Langley to direct that the traffic signal at the intersection of Washington Street and Trinity Avenue be returned to service; and

To direct the administration to provide a report on the policy for notification to citizens on traffic signal installations and removals was approved at 9:37 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Jacobs, Langley, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Members Blyth, Hill and Larson. Absent: None.

**SUBJECT: CLUB BOULEVARD DETOUR PROJECT**

Mayor Tennyson noted that he would like to add to the motions to direct the administration to provide a cost data on the installation of a sidewalk along Acadia Street.

Cheryl Sweeney, representing the Northgate Park Neighborhood Association, expressed safety concerns relative to the detour and urged Council to install sidewalks, keep existing trees, reduce speed limit near the school, install a crosswalk at Elgin and speed bumps and the need for additional police surveillance for

**September 17, 2001**

enforcement of traffic ordinances.

Jim Corbitt, of 615 Colgate Street, expressed concern about the cut-through traffic due to the detour.

Andrea Stubbs, of 2416 Glendale Avenue, noted the neighborhood was pedestrian friendly until the detour and expressed concern that the neighborhood was not made aware of the detour and the traffic aisle that is blocking her driveway.

Elizabeth Gray, of 618 Colgate Street, noted the Northgate Park Neighborhood is under seize by NCDOT.

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, raised concerns about the roundabout installation for the Club Boulevard Detour and the notification process concerning this item.

Mara Vorachek-Warren, of 110 E. Murray Avenue, expressed concern about being under informed about detour possibilities. Also, she urged Council to notify residents of any proposed detours coming through their neighborhood.

Rebecca Raddish, a resident of Northgate Park, expressed concern about this issue and spoke in favor of traffic calming measures.

Mayor Tennyson directed the administration to provide Council with a report on all expected detours for the duration of the project.

Philip M. Loziuk, of the Transportation Division, requested Council to add an additional 25 mph speed limit sign to be posted on Glendale Avenue from Lavender Avenue to Club Boulevard.

Council Member Larson noted serious enforcement of traffic ordinances should be addressed. Also, he expressed concern about trucks using the detour and requested an update on the traffic circle situation.

Philip M. Loziuk, of the Transportation Division, stated that Club Boulevard is posted as "No Trucks". Relative to the traffic circle, he noted the problem was due to inadequate signage and noted that staff will make sure there is additional signage.

Since this is a state project, Council Member Hill asked if there is additional funding to provide further security to assist with the enforcement of traffic ordinances in this area.

Mayor Tennyson noted that staff will come back with a report.

**MOTION** by Council Member Larson seconded by Council Member Langley to receive a report from the Administration concerning the Club Boulevard detour; and

To adopt ordinances (5) as revised that will allow implementation of parking restrictions, speed limit reductions, and stop and

**September 17, 2001**

yield sign installations on Acadia Street, Colgate Street, Elgin Street, Glendale Avenue, West Lavender Avenue, and Washington Street; and

To include a 25 mph speed limit on Glendale Avenue from Lavender Avenue to Club Boulevard; and

To direct the administration to provide cost data on installation of sidewalk along Acadia Street was approved at 10:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12395 - 12396 - 12397 - 12398 - 12399**

**[SUPPLEMENTAL ITEM]**

**SUBJECT: RESOLUTION EXPRESSING CONDOLENCES TO THE FAMILIES OF VICTIMS AND SUPPORT TO OUR FEDERAL GOVERNMENT REGARDING THE TERRORIST ATTACKS ON AMERICA**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Expressing Condolences to the Families of Victims and Support to Our Federal Government Regarding the Terrorist Attacks on America" was approved 10:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Resolution #8808**

**SUBJECT: LOAN AND NON-CITY AGENCY CONTRACT REVIEW - DELOITTE AND TOUCHE**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to enter into a contract with Deloitte and Touche to provide consulting services for loan and non-City agency contract review for a fee not to exceed \$200,000 was approved at 10:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: HUMAN RELATIONS COMMISSION - APPOINTMENTS**

To appoint Gerald Belton and Shannon McCabe, Non-Minority Members, to the Human Relations Commission--terms to expire June 30, 2004.

**September 17, 2001**

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, requested a deferral of this item in order for Council to get a wider spectrum of people involved to serve on the Commission.

Council Member Wagstaff provided Council with a letter from Mr. James Campbell. Also, she expressed concern about the gender balance on the Commission, raised a concern about the appointment of Shannon McCabe and urged her colleagues to re-advertise for that seat.

**SUBSTITUTE MOTION** by Council Member Wagstaff seconded by Council Member Edwards to appoint Gerald Belton, Non-Minority Member, to the Human Relations Commission--term to expire June 30, 2004 and re-advertise for the other seat on the Human Relations Commission **FAILED** at 10:11 p.m. by the following vote: Ayes: Council Members Edwards, Langley and Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Larson, McKissick and Stith. Absent: None.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to appoint Gerald Belton and Shannon McCabe, Non-Minority Members, to the Human Relations Commission--terms to expire June 30, 2004 was approved at 10:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Members Edwards and Wagstaff. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 10:11 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk